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| APPLICATION NO.             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------|-------------|----------------------|---------------------|------------------|
| 10/826,785                  | 04/16/2004  | Michael R. Watson    | ZILG.263US1         | 1278             |
| 36257                       | 7590        | 06/27/2005           | EXAMINER            |                  |
| PARSONS HSUE & DE RUNTZ LLP |             |                      | SINGH, DALZID E     |                  |
| 655 MONTGOMERY STREET       |             |                      |                     |                  |
| SUITE 1800                  |             |                      | ART UNIT            |                  |
| SAN FRANCISCO, CA 94111     |             |                      | PAPER NUMBER        |                  |
|                             |             |                      | 2633                |                  |

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/826,785

Applicant(s)

WATSON ET AL.

Examiner

Dalzid Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 22 February 2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US Patent No. 6,211,797).

Regarding claims 1 and 10, Kimura disclose infrared communication between two devices comprising:

a first said device (any one of the communication device can be considered as first device) comprising:

a detector for detecting the configuration of a second said device (see col. 7, lines 1-12; the received information inputted through the communication port contain configuration of the second device, therefore there must be a detector to detect the signal and information within the signal such as configuration of another device); and

a stack selector for enabling the optimum said stack responsive to said detecting (see col. 7, lines 5-29; the protocol selector can be considered as the stack selector, which is selected based on the detected signal).

Kimura differs from the claimed invention in that Kimura does not specifically disclose a detector in communication with application set group. However, in col. 7, lines 13-29, Kimura discloses modulation/demodulation associated with the different

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stack protocols. Since modulation/demodulation is application or device specific (for example, one device's modulation technique may vary from other device's modulation technique; such device may be identified by different ID or versions), therefore it would have been obvious to consider the modulation/demodulation as the application set group. The benefit of providing application set group is to be able to identify a proper modulation/demodulation schemes for compatibility between various devices.

Regarding claims 2 and 11, as discussed above, Kimura discloses that the detector further enables the optimum said application set responsive to said detecting (it would have been obvious that the application set is selected for optimum performance; the application set is selected in order to be compatible with other devices).

Regarding claims 3 and 12, Kimura differs from the claimed invention in that Kimura does not specifically disclose an initial communications condition is defined, said initial communications condition comprising said detector enabling a default said application set and said stack selector enabling a default said stack. However, it would have been obvious that initial communication is defined in order to initially communicate information to other device regarding protocol and application set and hence establish communication (see col. 5, lines 13-46).

Regarding claims 4 and 13, Kimura disclose that the initial communications condition is reestablished upon cessation of said wireless communications (see col. 5, lines 13-46; it would have been obvious that communication is reestablish in order to provide continuous link).

Regarding claim 5, Kimura disclose infrared communication between two devices, comprising the steps of:

default enabling, wherein a stack selector in communication with said stack group for selecting the optimum said stack enables a default said stack (see col. 7, lines 5-49; the protocol stack selector selects a particular protocol for communication); and  
upgrade enabling, wherein said stack selector enables an upgraded said stack (upgrade is when a new infrared scheme is added or a newer version is available; see col. 7, lines 25-29 and col. 8, lines 20-45).

Kimura differs from the claimed invention in that Kimura does not specifically disclose a detector in communication with application set group. However, in col. 7, lines 13-29, Kimura discloses modulation/demodulation associated with the different stack protocols. Since modulation/demodulation is application or device specific (for example, one device's modulation technique may vary from other device's modulation technique; such device may be identified by different ID or versions), therefore it would have been obvious to consider the modulation/demodulation as the application set group. The benefit of providing application set group is to be able to identify a proper modulation/demodulation schemes for compatibility between various devices.

Regarding claim 6, as discussed above, Kimura disclose a detector (communication port receives the signal, therefore there must be a detector for detecting such signal and obtaining information or configuration within the signal) for detecting the configuration of said application set group in another said device queries said other device for the configuration of its said application set group (the configuration

is detected which in turn generates selection of the protocol; the protocol and application set group is selected based on the detected signal, therefore it would have been obvious that that the signal contain configuration information of the other device).

Regarding claim 7, as discussed above, the upgrade enabling further comprises said detector enabling the optimum said application set (the protocol and application set is selected in order to enable optimum communication by providing compatibility between devices).

Regarding claim 8, as discussed above, Kimura disclose a re-enabling step after said upgrade step, said re-enabling step comprising said detector enabling a default said application set (see col. 5, lines 13-46; it would have been obvious that after upgrade or newer version is provide, the communication between devices is re-enable in order to provide continuous link).

Regarding claim 9, as discussed above, the re-enabling step further comprises said stack selector enabling said default stack (re-enabling communication select a particular (default) protocol in order to re-establish communication between devices).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Devon (US Patent No. 5,546,211) is cited to show multi-protocol infrared data transmission.

Imai et al (US Patent No. 5,585,952) is cited to show communication apparatus automatically selecting one of two operation modes.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272--3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DS

June 22, 2005

*Dalzid Singh*